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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/634,843	08/06/2003	Akira Maruyama	030888	6773
23850 7590 04/16/2008 KRATZ, QUINTOS & HANSON, LLP 1420 K Street, N.W. Suite 400 WASHINGTON, DC 20005				
EXAMINER				
PHANTANA ANGKOOOL, DAVID				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/634,843

Applicant(s)

MARUYAMA ET AL.

Examiner

David Phantana-angkool

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 December 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 4, 6, 7, 9-11, 14, 16, 17 and 19-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 6, 7, 9-11, 14, 16, 17 and 19-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 10/18/2007.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to the following communications: RCE filed on December 20th, 2007.
2. Claims 1, 4, 6, 7, 9-11, 14, 16, 17 and 19-26 are pending claims.
3. Applicants amended claims 1, 6, 9, 11, 16, and 19.
4. Applicants canceled claims 3 and 13.
5. Applicants added claims 21-26.

Claim Objections

6. Claims 4, 6, 7, 9, 14, 16, 17 and 19 are objected to because these claims are a duplicate of each other.

As for claims 4 and 6:

Claims 4 and 6 are duplicate claims

As for claims 7, 9, 14, 16, 17, and 19:

Claims 7, 9, 14, 16, 17, and 19 are rejected along the same rationale as presented above

Appropriate correction is required.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 21 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. Claims 21 and 22 recite the limitation "the predetermined speed". There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

10. **The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:**

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

1. **Claims 1, 4, 6, 11, 14, 16, and 21-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul McFedries, *The Complete Idiot's Guide to Windows XP* (hereinafter *McFedries*) in view of Jaaskelainen, US# 5,835,088 in view of Wolfe, US# 6,341,305 B2, and in further view of Bonura et al, US# 6,670,970 B1 (hereinafter *Bonura*).**

As for independent claim 1:

McFedries shows a window switching apparatus comprising:

- *an input unit* (Chapter 2: A Field Guide to Windows XP, Pg. 1 of 3);
- *a display unit* (Part1: Windows XP Everywhere: A Few things You Need to Know, Pg. 3 of 3);

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- *a title list display processing unit for displaying titles of windows currently set on said display unit, as a title list on said display unit (Renovating the Taskbar: Fig. 25.2);*
- *an activation processing unit for making a window corresponding to a title emphatically displayed among said titles included in said title list active (Fig. 25.3 shows the taskbar displaying a plurality of titles related to applications);*

McFedries show said title list display processing unit comprising:

- *a change-and-display processing unit for changing the titles displayed as said title list and displaying said titles when a title display change command is inputted through said input unit (McFedries shows a taskbar displaying grouped windows, see Fig. 25.4).*
- *wherein said activation processing unit makes a window corresponding to a title emphatically displayed among titles included in said title list active after a predetermined time has elapsed (Fig. 25.3 shows the taskbar displaying a plurality of titles related to applications);*

McFedries does not specifically show *displaying titles as a title list in a region other than a region where a taskbar is displayed on said display unit*. However in the same field of invention Jaaskelainen shows a title list, containing a list of windows currently displayed on a display unit, displayed in a region other than taskbar in Fig. 6. Both McFedries and Jaaskelainen are analogous art because both shows a method for switching between a plurality of displayed windows. Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the windows switching apparatus of McFedries to incorporate a title list displayed in a region other than a taskbar as taught by Jaaskelainen, thus allowing the user to rapidly switch the focus between a plurality of windows displayed on a display unit (Jaaskelainen, 2: 5-18).

McFedries does not specifically show *a select-and-display processing unit for selecting titles of a predetermined number of windows and displaying said selected titles in title display areas of a predetermined size constituting said title list when the current number of windows at*

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present is larger than the predetermined number. McFedries shows a taskbar displaying grouped windows in Fig. 25.4. McFedries further shows the user configuring a taskbar in Windows XP operating system. It is well known in the art that when the user clicks on the title of Windows XP tile/windows/icon within the taskbar the selected tile/windows/icon will place the selected application in focus, thus rendering the above limitation as obvious to one of ordinary skill in the art at the time of the invention was made.

McFedries shows the window switching apparatus with change and display processing unit in Fig. 25.2. McFedries does not specifically show *wherein said change-and-display processing unit scrolls through titles displayed as said title list to change said titles displayed.* In the same field of invention Wolfe teaches a taskbar, window switching apparatus, having information scrolled within, see Fig. 22#810 and Col. 11, lines 45-51. Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the window switching apparatus of McFedries to incorporate the scrolling information window within the taskbar as taught by Wolfe, thus allowing the user to view more information within the display area (Wolfe, 8:45-51).

While McFedries shows *an activation processing unit for making a window corresponding to a title emphatically displayed among said titles included in said title list active* (Fig. 25.3 shows the taskbar displaying a plurality of titles related to applications), McFedries does not specifically show displaying *titles included in said title list active after a predetermined time has elapsed, where in said predetermined time is selected by a user of the apparatus.* In the same field of invention, Bonura teaches displaying a window after a predetermined time has elapsed. Bonura further teaches that the user may set the predetermined time to any desired value in Column 6, lines 13-29. Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the window switching apparatus of McFedries to incorporate displaying *titles included in said title list active after a predetermined time has elapsed, where in said predetermined time is selected by a user of the apparatus* as taught by Bonura, thus providing the user the benefits of an information-bearing floating window without having to move the floating window to reach underlying content (Bonura, 4: 1-3).

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As for dependent claim 4:

McFedries does not specifically shows the *window switching apparatus according claim 1, wherein said input unit comprises a mouse; and said title list display processing unit displays said title list in the neighborhood of a mouse cursor moving in association with movement of said mouse.* However it is well knows in the art that when a mouse rollover in the taskbar area in Windows XP operating system the title of the taskbar will appear above the cursor, thus rendering the above claim as obvious to one of ordinary skill in the art at the time of the invention was made.

As for dependent claim 6:

Claim 6 contains similar substantial subject matter as claimed in claim 4 and is respectfully rejected along the same rationale.

As for independent claim 11:

Claim 11 contains similar substantial subject matter as claimed in claim 1 and is respectfully rejected along the same rationale.

As for dependent claim 14:

Claim 14 contains similar substantial subject matter as claimed in claim 4 and is respectfully rejected along the same rationale.

As for dependent claim 16:

Claim 16 contains similar substantial subject matter as claimed in claim 4 and is respectfully rejected along the same rationale.

As for independent claim 21:

Claim 21 contain substantial similar subject matter as claim 1 and is respectfully rejected along the same rationale. McFedries do not specifically show *wherein, when a scroll speed is smaller than; the predetermined speed, said activation processing unit makes the window active.* An Official Notice is taken that it is well known in the graphical user interface art that the user may select a desired object by using a scrolling method. Such scrolling method is performed in a drop down list, a handheld device, electronic program guide (EPG) and etc. (As shown in US#6,117,931 and US# 7,143,355). The term predetermined speed maybe 0 which is equivalent

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to no scrolling movement. The teaching of McFedries showing the window switching apparatus with change and display processing unit in Fig. 25.2 and the well known implementation of selecting an object using a scroll method render the "*wherein, when a scroll speed is smaller than; the predetermined speed, said activation processing unit makes the window active*" as obvious to one of ordinary skill in the art at the time of the invention was made.

As for independent claim 22:

Claim 22 contains substantial similar subject matter as claim 21 and is respectfully rejected along the same rationale.

As for independent claim 23:

Claim 23 contain substantial similar subject matter as claim 1 and is respectfully rejected along the same rationale. McFedries do not specifically show *wherein said activation processing unit makes the window active after said change-and-display processing unit stops scrolling through the titles*. An Official Notice is taken that it is well known in the graphical user interface art that the user may select a desired object by using a scrolling method. Such scrolling method is performed in a drop down list, a handheld device, electronic program guide (EPG) and etc. (As shown in US#6,117,931 and US# 7,143,355). The teaching of McFedries showing the window switching apparatus with change and display processing unit in Fig. 25.2 and the well known implementation of selecting an object using a scroll method render the "*wherein said activation processing unit makes the window active after said change-and-display processing unit stops scrolling through the titles*" as obvious to one of ordinary skill in the art at the time of the invention was made.

As for independent claim 24:

Claim 24 contains substantial similar subject matter as claim 23 and is respectfully rejected along the same rationale.

As for independent claim 25:

Claim 25 contain substantial similar subject matter as claim 1 and is respectfully rejected along the same rationale. McFedries do not specifically show *wherein, when a desired title among said rifles included in said title list is clicked after said change-and-display processing unit stops*

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scrolling through the titles, said activation processing unit makes the window corresponding to the clicked title active. An Official Notice is taken that it is well known in the graphical user interface art that the user may select a desired object by using a scrolling method. Such scrolling method is performed in a drop down list, a handheld device, electronic program guide (EPG) and etc. (As shown in US#6,117,931 and US# 7,143,355). The teaching of McFedries showing the window switching apparatus with change and display processing unit in Fig. 25.2 and the well known implementation of selecting an object using a scroll method render the " *wherein, when a desired title among said rifles included in said title list is clicked after said change-and-display processing unit stops scrolling through the titles, said activation processing unit makes the window corresponding to the clicked title active* " as obvious to one of ordinary skill in the art at the time of the invention was made.

As for independent claim 26:

Claim 26 contains substantial similar subject matter as claim 25 and is respectfully rejected along the same rationale.

2. **Claims 7, 9, 10, 17, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul McFedries, The Complete Idiot's Guide to Windows XP (hereinafter McFedries) in view of Jaaskelainen, US# 5,835,088 in view of Wolfe, US# 6,341,305 B2, in view of Bonura et al, US# 6,670,970 B1 (hereinafter Bonura), and in further view of Leavitt, US# 6,918,091 B2.**

As for dependent claim 7:

McFedries, Jaaskelainen, Wolfe, and Bonura do not specifically show *window switching apparatus according to claim 1, wherein said title list display processing unit displays a drum-like title list having a size according to the current number of as said title list on said display unit.* However in the same field of invention Leavitt shows a customizable user definable interface that have buttons corresponding to a plurality of applications as shown in Col. 3, lines 34-48. Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the title list display processing unit as shown by McFedries,

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Jaaskelainen, Wolfe, and Bonura to incorporate the user definable interface as taught by Leavitt, thus allowing the user to view the work area on a display screen while the user definable interface is activated (Leavitt, 4:22-35).

As for dependent claim 9:

Claim 9 contains similar substantial subject matter as claimed in claim 7 and is respectfully rejected along the same rationale.

As for dependent claim 10:

McFedries, Jaaskelainen, Wolfe and Bonura do not specifically show the *window switching apparatus according to claim 4, wherein said title list display processing unit displays a drum-like title list having a size according to the current number windows as said title list on said display unit*. However in the same field of invention Leavitt shows a customizable user definable interface that have buttons corresponding to a plurality of applications as shown in Col. 3, lines 34-48. Accordingly it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the title list display processing unit as shown by McFedries, Jaaskelainen, Wolfe, and Bonura to incorporate the user definable interface as taught by Leavitt, thus allowing the user to view the work area on a display screen while the user definable interface is activated (Leavitt, 4:22-35).

As for dependent claim 17:

Claim 17 contains similar substantial subject matter as claimed in claim 7 and is respectfully rejected along the same rationale.

As for dependent claim 19:

Claim 19 contains similar substantial subject matter as claimed in claim 7 and is respectfully rejected along the same rationale.

As for dependent claim 20:

Claim 20 contains similar substantial subject matter as claimed in claim 10 and is respectfully rejected along the same rationale.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re *Heck*, 699 F.2d 1331, 1332-33, 216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)).

The Examiner notes MPEP § 2144.01, that quotes *In re Preda*, 401 F.2d 825, 159 USPQ 342, 344 (CCPA 1968) as stating “in considering the disclosure of a reference, it is proper to take into account not only specific teachings of the reference but also the inferences which one skilled in the art would reasonably be expected to draw therefrom.” Further MPEP 2123, states that “a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill the art, including nonpreferred embodiments. *Merck & Co. v. Biocraft Laboratories*, 874 F.2d 804, 10 USPQ2d 1843 (Fed. Cir.), cert. denied, 493 U.S. 975 (1989).

Response to Arguments

3. Applicant's arguments with respect to claims 1, 4, 6, 7, 9-11, 14, 16, 17, 19, and 20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Phantana-angkool whose telephone number is 571-272-2673. The examiner can normally be reached on M-F, 9:00-5:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP

/David Phantana-angkool/

Examiner, Art Unit 2175

/William L. Bashore/
William L. Bashore
Primary Examiner
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